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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,984	02/20/2002	Erol Basturk	P4522	7502

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CENTRAL COAST PATENT AGENCY
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EXAMINER	
HALIYUR, VENKATESH N	
ART UNIT	**PAPER NUMBER**
2664	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/079,984	BASTURK, EROL	
	Examiner	Art Unit	
	Venkatesh Haliyur	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/20/2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *two*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 39 have been examined.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Dobbins et al. [US Pat: 5,751,971].

Regarding claims 1,13, Dobbins et al. disclosed an apparatus and method in "Internet Protocol (IP) Work Group Routing", for multiple router interfaces communication system having a plurality of physical communication ports, a hierarchical (levels) bond (associate) communication interface comprising a logical interface (IP router interface) as a component of the bond at a top level (high level) of the hierarchy, and a first subjugate logical interface at a second level (subnet/low-level) of the hierarchy as a component of the top-level logical interface [Fig 2, columns 1-2, column 3, lines 1-37,column 4,lines 5-11,column 5, 1-67,column 6,1-28].

Regarding claims 2-4,8-10, Dobbins et al. disclosed the top level and the second level comprising one or more physical interfaces [items 12A, 12 B of Fig 2] for multilevel networks [items 13 and 14 of Fig 2, column 3, lines 1-5,column 4,lines 5-11].

Regarding claims 5,6,11,12, Dobbins et al. disclosed a data router [item 11 of Fig 2] in a data packet network and data packet network is the Internet network [item 16 of Fig 2, column 5, lines 47-52].

Regarding claims 7,13, Dobbins et al. disclosed a communication system having a plurality of physical communication ports, a method for grouping ports in data routing, comprising the steps of defining a logical interface at a top level of a hierarchical bond and defining a first subjugate logical interface at a second level of the hierarchical bond as an element of the top-level logical interface and routing data by addressing the top-level bond, which then uses logical and physical components of the hierarchy for data transmission and further disclosed a control system [item 70 of Fig 9] for managing links in data routing, comprising a first portion recording availability status of the hierarchical bonds for routing of data by monitoring characteristics of both logical and physical component links of the hierarchical bonds and a second portion providing configuration input for use in the monitoring by the first portion. [Fig 2 & Fig 9, column 2,lines 42-57,column 4,lines 5-11, column 5, lines 1-67,column 6,1-28].

Regarding claims14-17, Dobbins et al. disclosed thresholds (limiting or locking interfaces) are configured for an interface characteristic through the second portion for individual ones of the logical interfaces, a logical interface considered up or down according to the instant value of the characteristic for the interface in relation to the value of the configured threshold and the threshold configured for a logical interface is an up threshold such that the logical interface is considered up if the instant value of the threshold characteristic for the logical interface has the configured relationship to the

configured value of the up threshold monitoring [Fig 2 & Fig 9, column 2, lines 42 - 57,column 4, lines 5-11, column 5, lines 1-67, column 6,1-28].

Regarding claims 18,19, Dobbins et al. disclosed the control system wherein the first portion periodically evaluates the status of the hierarchical bonds for routing data by determining the up or down status of each bond, beginning with the lowest level in the hierarchy and proceeding upward to the highest level of the bond and the second portion comprising an SNMP interface for configuring bond characteristics and ability to accept computer instructions [Figs 2 & Fig 9, columns 1-13, column 14, lines 1-47].

Regarding claims 20-24,34-37, Dobbins et al. disclosed the control system of claim 13 wherein the communication system comprises a plurality of nodes each having a plurality of physical ports, wherein bonds are defined for individual nodes using the ports specific to the nodes, and the control system comprises a plurality of first portions each specific to an individual one of the nodes, and a common second portion providing configuration input to the plurality of nodes and the characteristic for thresholds associated with an interface is the up or down state of components of the interface, expressed as a number up or a number down and the characteristic for thresholds associated with an interface is a percentage of the number of components of the interface having an up or a down state and the characteristic for thresholds is a fixed bandwidth value and the characteristic for thresholds is a percentage of potential bandwidth [Figs 2 & Fig 9, columns 1-13, column 14, lines 1-47].

Regarding claims 25-29, Dobbins et al disclosed a data router comprising a plurality of physical communication ports, at least one hierarchical bond having a logical

interface as a component of the bond at a top level of the hierarchy, and a first subjugate logical interface at a second level of the hierarchy as a component of the top-level logical interface, the bond comprising at one or more levels one or more of the physical communication ports; and a control system for managing links in data routing, the control system having a first portion recording availability status of the hierarchical bonds for routing of data by monitoring status either up or down of both logical and physical component links of the at least one hierarchical bond, and a second portion providing configuration input for use in the monitoring by the first portion and disclosed the data packet network and the Internet and the router uses logical and physical components of the hierarchy for data transmission [Fig 2, columns 1-2, column 3, lines 1-37,column 4,lines 5-11,column 5, 1-67,column 6,1-28].

Regarding claims 30-33,38,39, Dobbins et al disclosed one or more thresholds are configured for an interface characteristic through the second portion for individual ones of the logical interfaces, a logical interface considered up or down according to the instant value of the characteristic for the interface in relation to the value of the configured associated up and down threshold values [Figs 2 & Fig 9, columns 1-8, column 9, lines 1-25].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art in reference here are Dobbins et al.

3. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached @ (571)-272-3134. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Ajit Patel
Primary Examiner